UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,559	07/20/2001	Dawn T. McAllister	4833-001	5818

24112	7590	10/18/2004	

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EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/910,559	MCALLISTER ET AL.
	Examiner	**Art Unit**	
	Chad Zhong	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are presented for examination.

2.   It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3.   Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

4.   The specification is objected to because of the following:

current US patent policy does not permit the use of hyperlinks in the specification. Such links are directed to an Internet site, the contents of which are subject to change without notice. Therefore, the potential for inclusion of new matter would be a constant problem. See page 12, for example. Correction is required throughout the entire application.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothkopf, US

2002/0049727, in view of 'Official Notice'.

7.   As per claim 1, Rothkopf teaches a method of creating a document, comprising:

providing a plurality of pregenerated phrases from which a document can be created ([0005];

[0010]; [0052], wherein the messages are pregenerated responses, and the pregenerated responses are re-

constructed based on the survey variables);

affiliating each of said pregenerated phrases according to at least one subject matter variable ([0052]);

receiving input from a sender comprising at least one of said subject matter variables ([0048];

[0052]);

displaying to the sender the affiliated pregenerated phrases associated with the subject matter

variables ([0052]); and

creating the document using the pregenerated phrases selected by the sender ([0054], wherein the

user interaction with the generated message includes editing).

8.   Rothkopf does not explicitly teaches religious tract, "Official Notice" is taken that

the concept and advantages of providing for Religious tract is well known and expected in the art. It

would have been obvious to one of ordinary skill in the art to include religious tract with Rothkopf

because it would provide for easy deployment and spread of targeted messages.

9.   As per claim 2, Rothkopf teaches the method of claim 1, further comprising receiving a selection

from the sender selecting one of said displayed pregenerated phrases for inclusion within the religious

tract ([0054]).

10.   As per claim 3, Rothkopf teaches the method of claim 1, wherein the subject matter variables are

selected from the group consisting essentially of relationships, state of human condition, age range, and

social topics ([0048]; [0010]; [0072]).

11.   As per claim 4, Rothkopf teaches the method of claim 1, further comprising the step of adding an audio file to the religious tract ([0052]).

12.   As per claim 5, Rothkopf teaches the method of claim 1, further comprising the step of adding a hypertext link to the religious tract ([0037]; [0063]).

13.   As per claim 6, Rothkopf teaches the method of claim 1, further comprising the step of adding a scripture verse to the religious tract ([0054], wherein the users can add additional data to the generated message as they see fit, this would include scripture information).

14.   As per claim 7, Rothkopf teaches a computer readable medium comprising software, said software comprising:

    a text file comprising a plurality of phrases from which a religious tract may be created ([0068]); and

    an interface, said interface adapted to receive inputs from a sender about subject matter variables

from which selected ones of said phrases are accessed in said text file ([0068]; [0054]);

    display one or more religious tracts to said sender ([0054]); and

    email an assembled religious tract to a recipient through a network ([0034]).

15.   Rothkopf does not explicitly teaches religious tracts, this issue was discussed in item 8 above.

16.   As per claim 8, Rothkopf teaches the computer readable medium of claim 7, further comprising a sender file for maintaining information regarding the sender ([0061]).

17.   As per claim 9, Rothkopf teaches the computer readable medium of claim 7, further comprising a recipient file for maintaining information regarding the recipient ([0061]).

18.   As per claims 10-12, claims 10-12 are rejected for the same reasons as rejection to claims 4, 6, 5

above respectively.

19.   As per claim 13, Rothkopf teaches the computer readable medium of claim 7, further comprising

including artwork within the religious tract ([0093]).

20.   As per claim 14, claim 14 is rejected for the same reasons as rejection to combination of claims 1

and 7 above

21.   As per claim 15, Rothkopf teaches the method of claim 14, wherein hosting a web site with

pregenerated religious tracts comprises hosting a web site with a sender accessible interface

([0048-0049]).

22.   As per claim 16, Rothkopf teaches the method of claim 15, wherein hosting a web site with the

pregenerated religious tracts comprises hosting a web site with a plurality of data files accessible through

said interface ([0051-0052]).

23.   As per claim 17, claim 17 is rejected for the same reasons as rejection to claim 2 above.

24.   As per claim 18, Rothkopf teaches the method of claim 14, whE:rein the step of hosting the web

site with the pregenerated religious tracts comprises hosting the web site at a local service provider (Fig

3).

25.   As per claim 19, Rothkopf teaches the method of claim 14, wherein the step of sending the

selected pregenerated religious tract to the recipient comprises sending the recipient a message indicating

the existence of the religious tract and allowing the recipient to access said sent selected pregenerated

religious tract on said web site ([0051-0052]).

26.   As per calim 20, Rothkopf teaches the method of claim 19, further comprising soliciting

information from said recipient upon said recipient accessing said selected pregenerated religious tract on

said web site ([0048-0049]).

27.   As per claim 21-22, claims 21-22 are rejected for the same reasons as rejection to claim 14 above.

28.   As per claim 23, Rothkopf teaches a method of creating a database, comprising:

    offering an opportunity for senders to send religious tracts to one or more recipients;

    sending the religious tracts to the one or more recipients; after receipt by the recipients, querying the

recipients for information; and

    storing the information received from the recipients in the database ([0048-0049]; [0061]).

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

"METHOD AND SYSTEM OF CREATING AND SENDING ELECTRONIC TRACTS".

    i.   US 2002/0035697   McCurdy et al.

    Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be

reached on M-F 7am-4:30pm.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John

A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this

application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

CZ
October 9, 2004

Dung C. Dinh
Primary Examiner